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TO:

Examiner Amy Jo Sterling --
Art Unit 3632

FROM:

David M. Kleiman

COMPANY:

United States Patent & Trademark Office

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RE:

Application No. 10/604,428
Charles Ay
Confirmation No. 1427
Interview Summary

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Application No. 10/604,428
Confirmation No. 1427
Attorney Docket No. D9446

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Charles Ay
Application No. 10/604,428
Filed July 21, 2003
Art Unit: 3632
Examiner: Sterling, Amy Jo

RECESSED HANGING APPARATUS

**SUMMARY OF JANUARY 27, 2005 INTERVIEW
SUBMITTED BY APPLICANT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Amy Jo Sterling

On Monday January 24, 2005 the undersigned representative of applicant telephoned examiner Sterling to request a telephonic interview to discuss the final rejection that had been issued for all pending claims. It was agreed to have the interview by telephone on Thursday January 27, 2005 at 2:00 PM EST.

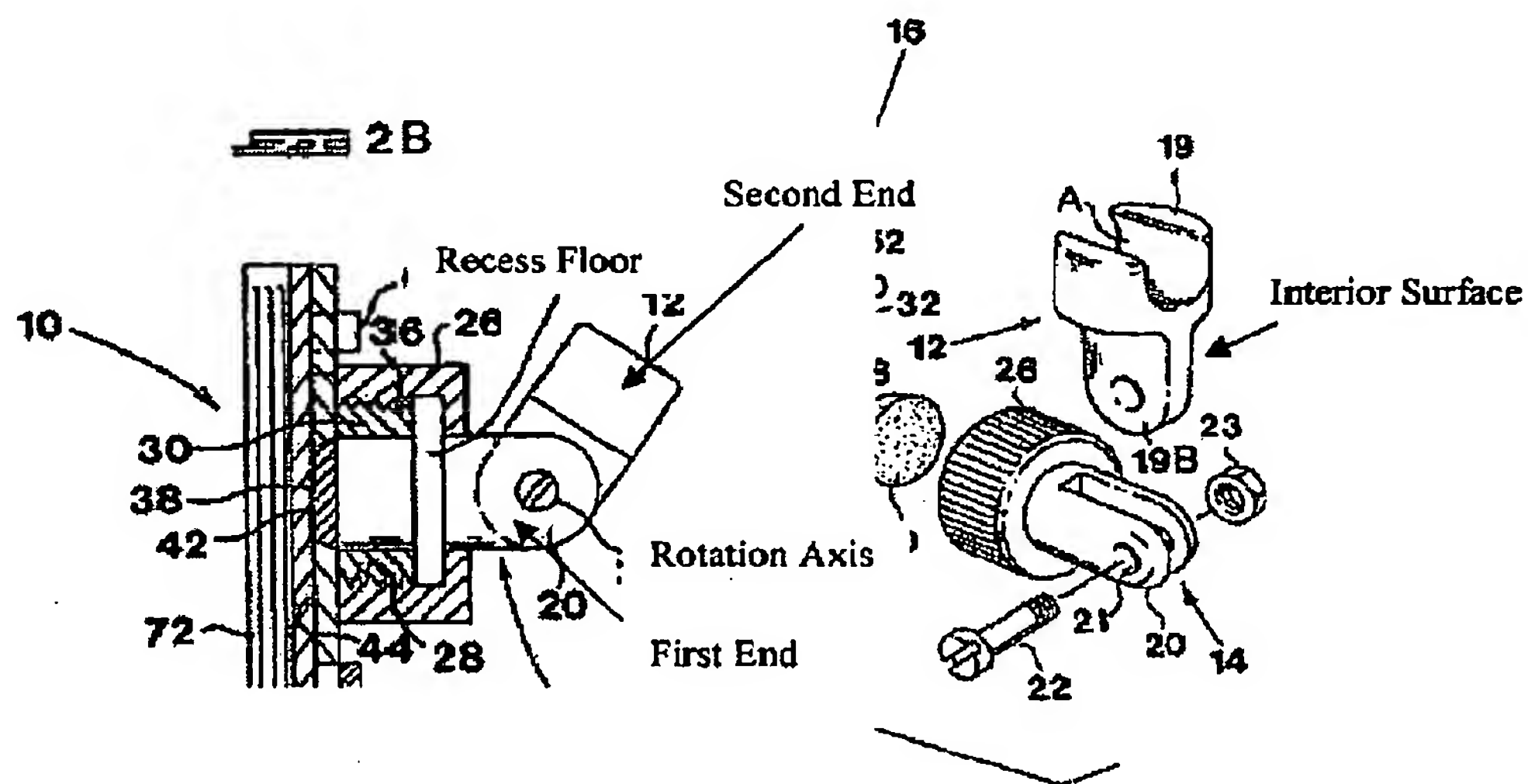
On Thursday January 27, 2005 from approximately 2:00-2:30 PM the undersigned discussed this case with examiner Sterling over the telephone. Pursuant to 37 C.F.R. § 1.133 the applicant hereby submits this paper to make the substance of the interview of record.

During the interview claims 1 and 8 were specifically discussed in light of the Dugmore et al. reference relied upon by the examiner in rejecting applicants pending claims. No agreement was reached.

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Applicant stated at the outset his hope for an understanding of the examiner's position such that the issues could be clearly defined, and hopefully agreement reached. The applicant stated that it appeared the major issue was a disagreement over whether the Dugmore reference relied upon by the examiner disclosed the angular space element required by all of the pending claims. Accordingly, the applicant asked for the examiner to identify in Dugmore the various claim elements related to the angular space.

In particular, while referring to Figs. 1 & 2B of Dugmore, shown on pages 3 and 4 of the last office action, the applicant asked the examiner to confirm his understanding of how the examiner interpreted Dugmore. The following is an illustration of what the examiner confirmed for applicant as to where various claim elements were allegedly found in Dugmore:



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After confirming applicant's understanding of the examiner's interpretation of what was disclosed in Dugmore, the applicant pointed out that what the examiner had identified as the "recess floor" and the "interior surface" never converge towards the vicinity of the rotation axis, as expressly required by the claim term "angular space". Rather the lines extending from the recess floor and interior surface always converged, if at all, towards a point away from the rotation axis. The examiner stated that she understood applicant's argument but would maintain the final rejection.

When the applicant asked why, the examiner responded that the claim term "angular space" did not have such a convergence limitation in the claim. The applicant responded that the term "angular space" had been specifically defined in the specification as requiring this, and that this is the meaning that must be given to "angular space" because the applicant is allowed to be his own lexicographer. The examiner stated that she would not apply the meaning for angular space defined in the specification. When the applicant pointed out that the law required this, the examiner simply disagreed. See MPEP § 2111.01 s. III.

The examiner also expressed to the applicant that the device was too simple to be described in a claim only five lines long. The applicant responded that it was not proper to judge the patentability of the claim based upon how long it was.

The applicant asked the examiner if the claims would be in condition for allowance if the applicant amended the claims to expressly incorporate the definition of angular space directly into the claims. The examiner responded that she did not know, and would have to do further research, because she had not previously considered applicant's definition of the claim term "angular space" when evaluating the claims.

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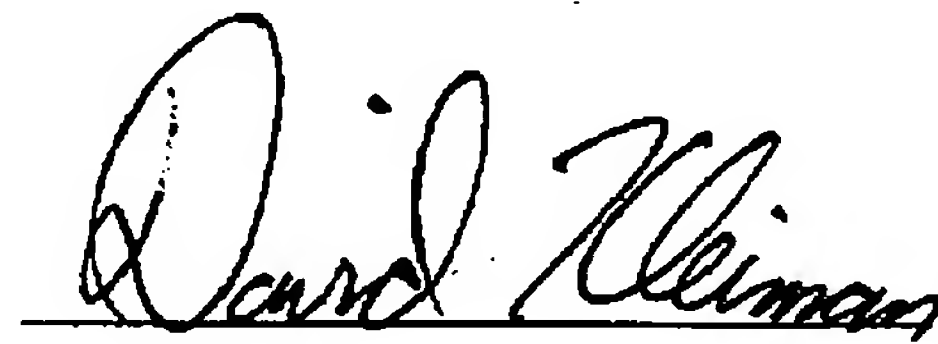
Method claim 8 was then specifically discussed. The applicant pointed out to the examiner that what she had identified as being the first end in Dugmore could not be pressed so as to bring the recess floor and interior surface together into contact as required by claim 8. The examiner responded that the applicant was free to make that argument. The applicant pointed out that this argument had been made in response to the first office action. At that point the examiner abruptly stated that she saw no further point in continuing the interview, and stated that it should be terminated.

The applicant responded that since it appeared agreement would not be reached, the applicant wished to confirm his understanding of the examiner's position so that the applicant could submit an accurate summary for the record. The applicant started by asking the examiner to confirm his understanding that the examiner would not apply the definition of angular space set forth in the specification because the examiner believed this was improper. The examiner stated that this was not an accurate statement of her position. When the applicant then asked the examiner to clarify what her position was so that a clear record could be made, the examiner reminded the applicant that this interview was after final rejection, stated she had already set forth her position, and declined to offer any further confirmation or clarification. The examiner then stated the interview was terminated, wished the undersigned a good day and hung up.

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The applicant would like to thank the examiner for her time, regrets that agreement could not be reached, and maintains his position that the claims in current form are in condition for allowance. If the applicant has misunderstood anything that was said during the interview, applicant invites the examiner to contact the undersigned to discuss the matter further. Similarly, if the examiner upon reconsideration believes that agreement may be reached as to the allowability of any claims, the undersigned would welcome further discussion.

Date: January 27, 2005



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